



COMMERCE COUNCIL ACTION PACKET

**Tuesday, April 18, 2006
8:00 – 10:00 a.m.
Room 404 – HOB**

COUNCIL MEETING REPORT

Commerce Council

4/18/2006 8:00:00AM

Location: 404 HOB

AMENDED

Summary:

Commerce Council

Tuesday April 18, 2006 08:00 am

HB 217 CS	Favorable With Committee Substitute	Yeas: 8	Nays: 5
HB 247 CS	Favorable With Committee Substitute	Yeas: 14	Nays: 0
HB 431 CS	Favorable With Committee Substitute	Yeas: 11	Nays: 3
HB 561 CS	Favorable With Committee Substitute	Yeas: 11	Nays: 0
HB 1009	Favorable With Committee Substitute	Yeas: 13	Nays: 0
HB 1079 CS	Favorable With Committee Substitute	Yeas: 14	Nays: 0
HB 1143 CS	Favorable	Yeas: 13	Nays: 0
HB 1329 CS	Favorable With Committee Substitute	Yeas: 14	Nays: 0
HB 1467 CS	Favorable	Yeas: 13	Nays: 0
HB 1469 CS	Favorable	Yeas: 14	Nays: 0
HB 7153	Favorable With Committee Substitute	Yeas: 14	Nays: 0
HB 7157	Favorable	Yeas: 14	Nays: 0
HB 7237	Favorable With Committee Substitute	Yeas: 14	Nays: 0

Committee meeting was reported out: Tuesday, April 18, 2006 11:29:18AM

COUNCIL MEETING REPORT

Commerce Council

4/18/2006 8:00:00AM

Location: 404 HOB

AMENDED

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Frank Farkas (Chair)	X		
Frank Attkisson	X		
Gus Bilirakis	X		
Ellyn Setnor Bogdanoff	X		
Terry Fields	X		
Kenneth Gottlieb	X		
Edward Jennings	X		
Charlie Justice	X		
Dick Kravitz	X		
Kenneth Littlefield	X		
Dennis Ross	X		
Timothy Ryan	X		
Anthony Traviesa	X		
Trudi Williams	X		
Totals:	14	0	0

Committee meeting was reported out: Tuesday, April 18, 2006 11:29:18AM

COUNCIL MEETING REPORT

Commerce Council

4/18/2006 8:00:00AM

Location: 404 HOB

AMENDED

HB 217 CS : Sinkhole Insurance

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis	X				
Ellyn Setnor Bogdanoff	X				
Terry Fields		X			
Kenneth Gottlieb		X			
Edward Jennings		X			
Charlie Justice		X			
Dick Kravitz			X		
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan		X			
Anthony Traviesa	X				
Trudi Williams	X				
Frank Farkas (Chair)	X				
Total Yeas: 8		Total Nays: 5			

Appearances:

Sinkhole Insurance

David Foy (Lobbyist) - Information Only

Office of Insurance Regulation

200 E. Gaines Street

Tallahassee FL 32399

Sinkhole Insurance

Mark Delegal (Lobbyist) - Proponent

State Farm Mutual Automobile Insurance Comp.

215 S. Monroe Street, #200

Tallahassee FL 32302

Sinkhole Insurance

Jon Moyle (Lobbyist) - Opponent

Moyle Law Group

118 N. Gadsden St.

Tallahassee FL

Sinkhole Insurance

Paul Jess (Lobbyist) - Opponent

Academy of Florida Trial Lawyers

218 S. Monroe Street

Tallahassee FL 32301

Committee meeting was reported out: Tuesday, April 18, 2006 11:29:18AM

House of Representatives
COMMITTEE BILL ACTION WORK SHEET

Committee on: Commerce Council

Date of Meeting: 4-18-06

Time:

Place:

Subject

Subject

Date Received

Date Reported

COMMITTEE ACTION:

- ☐
- Favorable

- ☒
- Favorable with Committee Substitute

- ☐
- Temporarily Passed

- ☐
- Favorable with

- ☐
- Unfavorable

- ☐
- Reconsidered

Amendments

VOTE:

Other Action:

[illegible]

1

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0217

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION _____ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

Council/Committee hearing bill: Commerce Council

Representative Legg offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (1) and paragraph (d) of subsection (2) of section 627.706, Florida Statutes, are amended to read:
627.706 Sinkhole insurance; definitions.--

(1) Every insurer authorized to transact property insurance in this state shall make available coverage for insurable sinkhole losses on any structure, including contents of personal property contained therein, to the extent provided in the form to which the sinkhole coverage attaches. A policy for residential property insurance may include a deductible amount applicable to sinkhole losses equal to 1 percent, 2 percent, 5 percent, or 10 percent of the policy dwelling limits, with appropriate premium discounts offered with each deductible amount.

(2) As used in ss. 627.706-627.7074, and as used in connection with any policy providing coverage for sinkhole losses:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

(d) "Professional engineer" means a person, as defined in s. 471.005, who has a bachelor's degree or higher in engineering with a specialty in the geotechnical engineering field. A professional ~~An~~ engineer must have geotechnical experience and expertise in the identification of sinkhole activity as well as other potential causes of damage to the structure.

Section 2. Subsections (2), (3), (5), (6), and (9) of section 627.707, Florida Statutes, are amended to read:

627.707 Standards for investigation of sinkhole claims by insurers; nonrenewals.--Upon receipt of a claim for a sinkhole loss, an insurer must meet the following standards in investigating a claim:

(2) Following the insurer's initial inspection, the insurer shall engage a professional ~~an~~ engineer or a professional geologist to conduct testing as provided in s. 627.7072 to determine the cause of the loss within a reasonable professional probability and issue a report as provided in s. 627.7073, if:

(a) The insurer is unable to identify a valid cause of the damage or discovers damage to the structure which is consistent with sinkhole loss; or

(b) The policyholder demands testing in accordance with this section or s. 627.7072.

(3) Following the initial inspection of the insured premises, the insurer shall provide written notice to the policyholder disclosing the following information:

(a) What the insurer has determined to be the cause of damage, if the insurer has made such a determination.

(b) A statement of the circumstances under which the insurer is required to engage a professional ~~an~~ engineer or a professional geologist to verify or eliminate sinkhole loss and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

53 to engage a professional ~~an~~ engineer to make recommendations
54 regarding land and building stabilization and foundation repair.

55 (c) A statement regarding the right of the policyholder to
56 request testing by a professional ~~an~~ engineer or a professional
57 geologist and the circumstances under which the policyholder may
58 demand certain testing.

59 (5)(a) Subject to paragraph (b), if a sinkhole loss is
60 verified, the insurer shall pay to stabilize the land and
61 building and repair the foundation in accordance with the
62 recommendations of the professional engineer as provided under
63 s. 627.7073, and in consultation with the policyholder, subject
64 to the coverage and terms of the policy. The insurer shall pay
65 for other repairs to the structure and contents in accordance
66 with the terms of the policy.

67 (b) The insurer may limit its payment to the actual cash
68 value of the sinkhole loss, not including underpinning or
69 grouting or any other repair technique performed below the
70 existing foundation of the building, until the policyholder
71 enters into a contract for the performance of building
72 stabilization or foundation repairs. After the policyholder
73 enters into the contract, the insurer shall pay the amounts
74 necessary to begin and perform such repairs as the work is
75 performed and the expenses are incurred. The insurer may not
76 require the policyholder to advance payment for such repairs. If
77 repair covered by a personal lines residential property
78 insurance policy has begun and the professional engineer
79 selected or approved by the insurer determines that the repair
80 cannot be completed within the policy limits, the insurer must
81 either complete the professional engineer's recommended repair
82 or tender the policy limits to the policyholder without a
83 reduction for the repair expenses incurred.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

84 (c) Upon the insurer's obtaining the written approval of
85 the policyholder and any lienholder, the insurer may make
86 payment directly to the persons selected by the policyholder to
87 perform the land and building stabilization and foundation
88 repairs. The decision by the insurer to make payment to such
89 persons does not hold the insurer liable for the work performed.

90 (6) Except as provided in subsection (7), the fees and
91 costs of the professional engineer or the professional geologist
92 shall be paid by the insurer.

93 (9) The insurer may engage a professional structural
94 engineer to make recommendations as to the repair of the
95 structure.

96 Section 3. Section 627.7072, Florida Statutes, is amended
97 to read:

98 627.7072 Testing standards for sinkholes.--

99 (1) The professional engineer or ~~and~~ professional
100 geologist shall perform such tests as sufficient, in their
101 professional opinion, to determine the presence or absence of
102 sinkhole loss or other cause of damage within reasonable
103 professional probability and for the professional engineer to
104 make recommendations regarding necessary building stabilization
105 and foundation repair.

106 ~~(2) Testing by a professional geologist shall be conducted~~
107 ~~in compliance with the Florida Geological Survey Special~~
108 ~~Publication No. 57 (2005).~~

109 Section 4. Subsections (1) and (2) of section 627.7073,
110 Florida Statutes, are amended to read:

111 627.7073 Sinkhole reports.--

112 (1) Upon completion of testing as provided in s. 627.7072,
113 the professional engineer or ~~and~~ professional geologist shall

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

14 issue a report and certification to the insurer and the
115 policyholder as provided in this section.

116 (a) Sinkhole loss is verified if, based upon tests
117 performed in accordance with s. 627.7072, a professional ~~an~~
118 engineer or ~~and~~ a professional geologist issue a written report
119 and certification stating:

120 1. That the cause of the actual physical and structural
121 damage is sinkhole activity within a reasonable professional
122 probability.

123 2. That the analyses conducted were of sufficient scope to
124 identify sinkhole activity as the cause of damage within a
125 reasonable professional probability.

126 3. A description of the tests performed.

127 4. A recommendation by the professional engineer of
128 methods for stabilizing the land and building and for making
129 repairs to the foundation.

130 (b) If sinkhole activity is eliminated as the cause of
131 damage to the structure, the professional engineer or ~~and~~
132 professional geologist shall issue a written report and
133 certification to the policyholder and the insurer stating:

134 1. That the cause of the damage is not sinkhole activity
135 within a reasonable professional probability.

136 2. That the analyses and tests conducted were of
137 sufficient scope to eliminate sinkhole activity as the cause of
138 damage within a reasonable professional probability.

139 3. A statement of the cause of the damage within a
140 reasonable professional probability.

141 4. A description of the tests performed.

142 (c) The respective findings, opinions, and recommendations
143 of the professional engineer or ~~and~~ professional geologist as to
144 the cause of distress to the property ~~verification or~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

145 ~~elimination of a sinkhole loss~~ and the findings, opinions, and
146 recommendations of the professional engineer as to land and
147 building stabilization and foundation repair shall be presumed
148 correct.

149 (2) Any insurer that has paid a claim for a sinkhole loss
150 shall file a copy of the report and certification, prepared
151 pursuant to subsection (1), with the county clerk of court
152 ~~property appraiser~~, who shall record the report and
153 certification with the parcel number. The insurer shall bear the
154 cost of filing and recording the report and certification. There
155 shall be no cause of action or liability against an insurer for
156 compliance with this section. The seller of real property upon
157 which a sinkhole claim has been made shall disclose to the buyer
158 of such property that a claim has been paid and whether or not
159 the full amount of the proceeds were used to repair the sinkhole
160 damage.

161 Section 5. Effective October 1, 2006, section 627.7074,
162 Florida Statutes, is created to read:

163 627.7074 Alternative procedure for resolution of disputed
164 sinkhole insurance claims.--

165 (1) As used in this section, the term:

166 (a) "Neutral evaluation" means the alternative dispute
167 resolution provided for in this section.

168 (b) "Neutral evaluator" means a professional engineer or a
169 professional geologist who has completed a course of study in
170 alternative dispute resolution designed or approved by the
171 department for use in the neutral evaluation process, who is
172 determined to be fair and impartial.

173 (2) (a) The department shall certify and maintain a list of
174 persons who are neutral evaluators.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

75 (b) The department shall prepare a consumer information
176 pamphlet for distribution by insurers to policyholders which
177 clearly describes the neutral evaluation process and includes
178 information and forms necessary for the policyholder to request
179 a neutral evaluation.

180 (3) Following the receipt of the report provided under s.
181 627.7073 or the denial of a claim for a sinkhole loss, the
182 insurer shall notify the policyholder of his or her right to
183 participate in the neutral evaluation program under this
184 section. Neutral evaluation supersedes the alternative dispute
185 resolution process under s. 627.7015. The insurer shall provide
186 to the policyholder the consumer information pamphlet prepared
187 by the department pursuant to paragraph (2)(b).

188 (4) Neutral evaluation is optional and nonbinding. Either
189 the policyholder or the insurer may decline to participate. A
190 request for neutral evaluation may be filed with the department
191 by the policyholder or the insurer on a form approved by the
192 department. The request for neutral evaluation must state the
193 reason for the request and must include an explanation of all
194 the issues in dispute at the time of the request. Filing a
195 request for neutral evaluation tolls the applicable time
196 requirements for filing suit for a period of 60 days following
197 the conclusion of the neutral evaluation process or the time
198 prescribed in s. 95.11, whichever is later.

199 (5) Neutral evaluation shall be conducted as an informal
200 process in which formal rules of evidence and procedure need not
201 be observed. A party to neutral evaluation is not required to
202 attend neutral evaluation if a representative of the party
203 attends and has the authority to make a binding decision on
204 behalf of the party. All parties shall participate in the
05 evaluation in good faith.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

206 (6) The insurer shall pay the costs associated with the
207 neutral evaluation.

208 (7) Upon receipt of a request for neutral evaluation, the
209 department shall refer the request to a neutral evaluator. The
210 neutral evaluator shall notify the policyholder and the insurer
211 of the date, time, and place of the neutral evaluation
212 conference. The conference may be held by telephone, if feasible
213 and desirable. The neutral evaluation conference shall be held
214 within 45 days after receipt of the request by the department.

215 (8) The department shall adopt rules of procedure for the
216 neutral evaluation process.

217 (9) For policyholders not represented by an attorney, a
218 consumer affairs specialist of the department or an employee
219 designated as the primary contact for consumers on issues
220 relating to sinkholes under s. 20.121 shall be available for
221 consultation to the extent that he or she may lawfully do so.

222 (10) Evidence of an offer to settle a claim during the
223 neutral evaluation process, as well as any relevant conduct or
224 statements made in negotiations concerning the offer to settle a
225 claim, is inadmissible to prove liability or absence of
226 liability for the claim or its value, except as provided in
227 subsection (13).

228 (11) Any court proceeding related to the subject matter of
229 the neutral evaluation shall be stayed pending completion of the
230 neutral evaluation.

231 (12) For matters that are not resolved by the parties at
232 the conclusion of the neutral evaluation, the neutral evaluator
233 shall prepare a report stating that in his or her opinion the
234 sinkhole loss has been verified or eliminated and, if verified,
235 the need for and estimated costs of stabilizing the land and any
236 covered structures or buildings and other appropriate

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

remediation or structural repairs. The evaluator's report shall be sent to all parties in attendance at the neutral evaluation and to the department.

(13) The recommendation of the neutral evaluator is not binding on any party, and the parties retain access to courts. The neutral evaluator's written recommendation is admissible in any subsequent action or proceeding relating to the claim or to the cause of action giving rise to the claim only for purposes of determining the award of attorney's fees.

(14) If the neutral evaluator first verifies the existence of a sinkhole and, second, recommends the need for and estimates costs of stabilizing the land and any covered structures or buildings and other appropriate remediation or structural repairs, which costs exceed the amount that the insurer has offered to pay the policyholder, the insurer is liable to the policyholder for up to \$2,500 in attorney's fees for the attorney's participation in the neutral evaluation process. For purposes of this subsection, the term "offer to pay" means a written offer signed by the insurer or its legal representative and delivered to the policyholder within 10 days after the insurer receives notice that a request for neutral evaluation has been made under this section.

(15) If the policyholder declines to participate in neutral evaluation requested by the insurer or declines to resolve the matter in accordance with the recommendation of the neutral evaluator pursuant to this section, the insurer is not liable for attorney's fees under s. 627.428 or other provisions of the insurance code or for extra-contractual damages related to a claim for a sinkhole loss.

(16) A party may seek judicial review of the recommendation of the neutral evaluator to determine whether the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

268 recommendation is reasonable. A recommendation is reasonable
269 unless: it was procured by corruption, fraud, or other undue
270 means; there was evident partiality by the neutral evaluator or
271 misconduct prejudicing the rights of any party; or the neutral
272 evaluator exceeded the authority and power granted by this
273 section. If the court declares the recommendation is not
274 reasonable, the neutral evaluation recommendation shall be
275 vacated.

276 Section 6. Subsection (2) of section 877.02, Florida
277 Statutes, is amended to read:

278 877.02 Solicitation of legal services or retainers
279 therefor; penalty.--

280 (2) It shall be unlawful for any person in the employ of
281 or in any capacity attached to any hospital, sanitarium, police
282 department, wrecker service or garage, prison or court, ~~or~~ for a
283 person authorized to furnish bail bonds, investigators,
284 photographers, insurance or public adjusters, or for a general
285 or other contractor as defined in s. 489.105 or other business
286 providing sinkhole remediation services, to communicate directly
287 or indirectly with any attorney or person acting on said
288 attorney's behalf for the purpose of aiding, assisting or
289 abetting such attorney in the solicitation of legal business or
290 the procurement through solicitation of a retainer, written or
291 oral, or any agreement authorizing the attorney to perform or
292 render legal services.

293 Section 7. Except as otherwise expressly provided in this
294 act, this act shall take effect July 1, 2006.

295
296 ===== T I T L E A M E N D M E N T =====

297 Remove the entire title and insert:

298 A bill to be entitled

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

99 An act relating to sinkhole insurance; amending s.
300 627.706, F.S.; allowing a deductible amount applicable to
301 sinkhole losses in a policy for residential property
302 insurance; defining the term "professional engineer";
303 amending s. 627.707, F.S.; revising references to certain
304 engineers; authorizing insurers to make direct payment for
305 certain repairs; excluding insurers from liability for
306 repairs under certain circumstances; amending s. 627.7072,
307 F.S.; revising references to certain engineers;
308 eliminating the requirement for certain testing
309 compliance; amending s. 627.7073, F.S.; revising
310 requirements for sinkhole reports by professional
311 engineers and professional geologists; providing for the
312 recording of sinkhole reports by the clerk of court rather
313 than the property appraiser; creating s. 627.7074, F.S.;
14 prescribing an alternative method for resolving disputed
315 sinkhole insurance claims; providing definitions;
316 prescribing procedures for invoking the alternative
317 method; providing that a recommendation by a neutral
318 evaluator is not binding on any party; providing for
319 payments of costs; requiring the insurer to pay attorney's
320 fees of the policyholder up to a specified amount under
321 certain conditions; providing that an insurer is not
322 liable for attorney's fees or for certain damages under
323 certain conditions; providing for judicial review;
324 amending s. 877.02, F.S.; prohibiting certain
325 solicitations by contractors and other persons providing
326 sinkhole remediation services; providing penalties;
327 providing effective dates.

2

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. (for drafter's use only)

Bill No. HB 217

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Withdrawn

Council/Committee hearing bill: Commerce Council
Representative(s) Bilirakis offered the following:

**Amendment to Strike-all Amendment by Representative Legg
(with title amendment)**

Between line(s) 5 and 6 insert:

Section 1. Paragraph (d) of subsection (6) of section
627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.--

(6) CITIZENS PROPERTY INSURANCE CORPORATION.--

(d)1. It is the intent of the Legislature that the rates
for coverage provided by the corporation be actuarially sound
and not competitive with approved rates charged in the admitted
voluntary market, so that the corporation functions as a
residual market mechanism to provide insurance only when the
insurance cannot be procured in the voluntary market. Rates
shall include an appropriate catastrophe loading factor that
reflects the actual catastrophic exposure of the corporation.

2.a. Except as provided in subparagraph 3., for each
county, the average rates of the corporation for each line of
business for personal lines residential policies excluding rates
for wind-only policies shall be no lower than the average rates
charged by the insurer that had the highest average rate in that

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

24 county among the 20 insurers with the greatest total direct
25 written premium in the state for that line of business in the
26 preceding year, except that with respect to mobile home
27 coverages, the average rates of the corporation shall be no
28 lower than the average rates charged by the insurer that had the
29 highest average rate in that county among the 5 insurers with
30 the greatest total written premium for mobile home owner's
31 policies in the state in the preceding year.

32 ~~b.3-~~ Rates for personal lines residential wind-only
33 policies must be actuarially sound and not competitive with
34 approved rates charged by authorized insurers. Corporation rate
35 manuals shall include a rate surcharge for seasonal occupancy.
36 To ensure that personal lines residential wind-only rates are
37 not competitive with approved rates charged by authorized
38 insurers, the corporation, in conjunction with the office, shall
39 develop a wind-only ratemaking methodology, which methodology
40 shall be contained in each rate filing made by the corporation
41 with the office. If the office determines that the wind-only
42 rates or rating factors filed by the corporation fail to comply
43 with the wind-only ratemaking methodology provided for in this
44 subsection, it shall so notify the corporation and require the
45 corporation to amend its rates or rating factors to come into
46 compliance within 90 days of notice from the office.

47 3. The provisions of sub-subparagraph 2.a. do not apply to
48 coverage provided by the corporation in any area of a postal zip
49 code for which the office determines that no competition exists
50 for personal lines residential policies. The provisions of sub-
51 subparagraph 2.b. do not apply to coverage provided by the
52 corporation in any area of a postal zip code for which the
53 office determines that no competition exists for personal lines
54 residential policies in the portion of the area of that postal
55 zip code that is eligible for wind-only coverage. In such postal

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

56 zip code areas, the rates for personal lines residential
57 coverage must only be actuarially sound and not excessive,
58 inadequate, or unfairly discriminatory and are subject to the
59 other provisions of this paragraph and s. 627.062. The
60 commission shall adopt rules establishing criteria for
61 determining whether no competition exists for personal lines
62 residential policies in an area of a postal zip code. Beginning
63 October 1, 2006, and each 3 months thereafter, the office shall
64 determine and identify for purposes of this subparagraph those
65 areas of postal zip codes for which no competition exists for
66 personal lines residential policies.

67 4. For the purposes of establishing a pilot program to
68 evaluate issues relating to the availability and affordability
69 of insurance in an area where historically there has been little
70 market competition, the provisions of sub-subparagraph 2.a.
71 ~~subparagraph 2.~~ do not apply to coverage provided by the
72 corporation in Monroe County if the office determines that a
73 reasonable degree of competition does not exist for personal
74 lines residential policies. The provisions of sub-subparagraph
75 2.b. ~~subparagraph 3.~~ do not apply to coverage provided by the
76 corporation in Monroe County if the office determines that a
77 reasonable degree of competition does not exist for personal
78 lines residential policies in the area of that county which is
79 eligible for wind-only coverage. In this county, the rates for
80 personal lines residential coverage shall be actuarially sound
81 and not excessive, inadequate, or unfairly discriminatory and
82 are subject to the other provisions of the paragraph and s.
83 627.062. The commission shall adopt rules establishing the
84 criteria for determining whether a reasonable degree of
85 competition exists for personal lines residential policies in
86 Monroe County. By March 1, 2006, the office shall submit a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

report to the Legislature providing an evaluation of the implementation of the pilot program affecting Monroe County.

5. Rates for commercial lines coverage shall not be subject to the requirements of sub-subparagraph 2.a. ~~subparagraph 2.~~, but shall be subject to all other requirements of this paragraph and s. 627.062.

6. Nothing in this paragraph shall require or allow the corporation to adopt a rate that is inadequate under s. 627.062.

7. The corporation shall certify to the office at least twice annually that its personal lines rates comply with the requirements of this paragraph ~~subparagraphs 1. and 2.~~ If any adjustment in the rates or rating factors of the corporation is necessary to ensure such compliance, the corporation shall make and implement such adjustments and file its revised rates and rating factors with the office. If the office thereafter determines that the revised rates and rating factors fail to comply with the provisions of this paragraph ~~subparagraphs 1. and 2.~~, the office ~~it~~ shall notify the corporation and require the corporation to amend its rates or rating factors in conjunction with its next rate filing. The office must notify the corporation by electronic means of any rate filing it approves for any insurer among the insurers referred to in sub-subparagraph 2.a ~~subparagraph 2.~~

8. In addition to the rates otherwise determined pursuant to this paragraph, the corporation shall impose and collect an amount equal to the premium tax provided for in s. 624.509 to augment the financial resources of the corporation.

~~9.a.~~ To assist the corporation in developing additional ratemaking methods to ensure ~~assure~~ compliance with this paragraph ~~subparagraphs 1. and 4.~~, the corporation shall appoint a rate methodology panel consisting of one person recommended by the Florida Association of Insurance Agents, one person

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

119 recommended by the Professional Insurance Agents of Florida, one
120 person recommended by the Florida Association of Insurance and
121 Financial Advisors, one person recommended by the insurer with
122 the highest voluntary market share of residential property
123 insurance business in the state, one person recommended by the
124 insurer with the second-highest voluntary market share of
125 residential property insurance business in the state, one person
126 recommended by an insurer writing commercial residential
127 property insurance in this state, one person recommended by the
128 Office of Insurance Regulation, and one board member designated
129 by the board chairman, who shall serve as chairman of the panel.

130 ~~b. By January 1, 2004, the rate methodology panel shall~~
131 ~~provide a report to the corporation of its findings and~~
132 ~~recommendations for the use of additional ratemaking methods and~~
133 ~~procedures, including the use of a rate equalization surcharge~~
134 ~~in an amount sufficient to assure that the total cost of~~
135 ~~coverage for policyholders or applicants to the corporation is~~
136 ~~sufficient to comply with subparagraph 1.~~

137 ~~c. Within 30 days after such report, the corporation shall~~
138 ~~present to the President of the Senate, the Speaker of the House~~
139 ~~of Representatives, the minority party leaders of each house of~~
140 ~~the Legislature, and the chairs of the standing committees of~~
141 ~~each house of the Legislature having jurisdiction of insurance~~
142 ~~issues, a plan for implementing the additional ratemaking~~
143 ~~methods and an outline of any legislation needed to facilitate~~
144 ~~use of the new methods.~~

145 ~~d. The plan must include a provision that producer~~
146 ~~commissions paid by the corporation shall not be calculated in~~
147 ~~such a manner as to include any rate equalization surcharge.~~
148 ~~However, without regard to the plan to be developed or its~~
149 ~~implementation, producer commissions paid by the corporation for~~
150 ~~each account, other than the quota share primary program, shall~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

~~remain fixed as to percentage, effective rate, calculation, and
payment method until January 1, 2004.~~

10. ~~By January 1, 2004,~~ The corporation shall develop a notice to policyholders or applicants that the rates of Citizens Property Insurance Corporation are intended to be higher than the rates of any admitted carrier and providing other information the corporation deems necessary to assist consumers in finding other voluntary admitted insurers willing to insure their property.

===== T I T L E A M E N D M E N T =====

Remove line(s) 299 and insert:

An act relating to property insurance; amending s. 627.351, F.S.; providing additional legislative intent relating to coverage rates provided by the Citizens Property Insurance Corporation; specifying nonapplication of certain policy requirements in postal zip code areas lacking any competition for personal lines residential policies under certain circumstances; requiring the Financial Services Commission to adopt rules; requiring the Office of Insurance Regulation to periodically determine and identify postal zip code areas in which no competition exists for personal lines residential policies; deleting an obsolete rate methodology panel reporting requirement provision; amending s.

COUNCIL MEETING REPORT

Commerce Council

4/18/2006 8:00:00AM

Location: 404 HOB

AMENDED

HB 247 CS : Beverage Law

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis	X				
Ellyn Setnor Bogdanoff	X				
Terry Fields	X				
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice	X				
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams	X				
Frank Farkas (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 18, 2006 11:29:18AM

247CS

BILL NO
Subject
Date Received
Date Reported

Subject

Date Received

Date Reported

☐ Favorable

☐ Favorable with Committee Substitute

☐ Temporarily Passed

☐ Favorable with
☐ Unfavorable
☐ Reconsidered

Amendments

Technical

Other Action:

[illegible][illegible]

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 247 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Council/Committee hearing bill: Commerce Council

Representative(s) Bogdanoff offered the following:

Amendment

Remove line(s) 58 and insert:

(a) Wineries shall not ship or cause to be shipped any
wine to individual consumers in this state unless licensed under
this section. Notwithstanding any provision of the Beverage Law
or

[Amendment clarifies that wineries cannot ship until they are
licensed in Florida.]

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. **HB 247 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	— (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	—

1 Council/Committee hearing bill: Commerce Council

2 Representative(s) Bogdanoff offered the following:

4 **Amendment**

5 Remove line(s) 99-101 and insert:

6 requirement. The division, upon written request of the winery
7 shipper, shall review the total tax liability to the state by
8 the winery shipper and reduce the bond to 110 percent of the
9 prior year's total tax liability as a licensee under this
10 section but not less than one thousand dollars.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 by Bogdanoff

Bill No. HB 247 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Commerce Council

2 Representative(s) Bogdanoff offered the following:

3
4 **Amendment**

5 Remove line 109 and insert:

6
7 adult individual. For purposes of this section, a case is
8 defined as a container or containers that contain no more than
9 9000 mL of wine.

10 (e) Licensees shall comply with s. 564.05, which limits
11 the size of wine containers.

12 (f) Purchasers shall not purchase or cause to be shipped
13 more than 18 cases of wine per calendar year to any adult
14 individual.

15
16
17
000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4

Bill No. **HB 247 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Commerce Council

2 Representative(s) Bogdanoff offered the following:

3
4 **Amendment**

5 Remove line(s) 183 and insert:

6 other state agency or local law enforcement agency and the
7 courts of this state concerning
8
9

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5

Bill No. **HB 247 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

Council/Committee hearing bill: Commerce Council

Representative(s) Bogdanoff offered the following:

Amendment

Remove line(s) 189 and insert:

in an amount not to exceed \$1,000 per violation for any

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6

Bill No. **HB 247 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Commerce Council

2 Representative(s) Bogdanoff offered the following:

4 **Amendment (with title amendment)**

5 Remove line(s) 196-200 and insert:

6 (c) Any common carrier, permit carrier, or other
7 commercial conveyance that knowingly and intentionally delivers
8 wine directly to any person in this state who is under 21 years
9 of age commits a misdemeanor of the second degree, punishable as
10 provided in s. 775.082 or s. 775.083.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 7

Bill No. **HB 247 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Commerce Council

2 Representative(s) Bogdanoff offered the following:

4 **Amendment**

5 On line(s) 249, 254, 260-261, 262, 270-271 remove:
6 malt and spirituous alcoholic

8 and insert: alcoholic

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 8

Bill No. HB 247 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Council/Committee hearing bill: Commerce Council

Representative(s) Bogdanoff offered the following:

Amendment

Remove line(s) 313-329 and insert:

permits to transport alcoholic beverages. Nothing in this section shall prohibit any licensee from utilizing a common carrier as his or her agent to make deliveries of alcoholic beverages within the state. Deliveries of alcoholic beverages by licensees or common carriers utilized by licensees under this section are exempt from the report filing requirements in s. 562.20. All common carriers making deliveries under this section shall verify that any person receiving alcoholic beverages is at least 21 years of age upon the delivery of such alcoholic beverages, as prescribed in division rules. Compliance with the prescribed age verification measures in s. 561.585(3) shall give the common carrier and the licensee a complete defense to any civil action thereof, except for any administrative action by the division, if, at the time the alcoholic beverage was sold, given, delivered, or transferred, the person falsely evidenced that he or she was of legal age to

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 8

22 purchase or consume the alcoholic beverage and the appearance of
23 the person was such that an ordinarily prudent person would
24 believe him or her to be of legal age to purchase or consume the
25 alcoholic beverage and if the licensee or common carrier acted
26 in good faith and in reliance upon the representation and
27 appearance of the person in the belief that he or she was of
28 legal age to purchase or consume the alcoholic beverage and
29 carefully checked one of the following forms of identification
30 with respect to the person: a valid driver's license, an
31 identification card issued under the provisions of s. 322.051,
32 or, if the person is physically handicapped, a comparable
33 identification card issued by another state which indicates the
34 person's age, a passport, or a United States Uniformed Services
35 identification card.
36
37

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 9

Bill No. **HB 247 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Commerce Council

2 Representative(s) Bogdanoff offered the following:

3
4 **Amendment (with title amendments)**

5 Between line(s) 397-398 insert:

6 Section 11. For fiscal year 2006-2007, six full-time
7 equivalent positions, are authorized and the sums of \$484,096 in
8 recurring funds and \$41,944 in nonrecurring funds from the
9 Alcoholic Beverage and Tobacco Trust Fund of the Department of
10 Business and Professional Regulation are hereby appropriated
11 within a Qualified Expenditure Category for the purpose of
12 carrying out regulatory activities provided in this act. In
13 addition, for fiscal year 2006-2007, two full-time equivalent
14 positions, with associated salary rate of 76,129, are authorized
15 and the sums of \$127,340 in recurring funds and \$10,486 in
16 nonrecurring funds from the Administrative Trust Fund of the
17 Department of Business and Professional Regulation are hereby
18 appropriated for the purpose of carrying out central-service
19 administrative support functions related to the regulatory
20 activities provided in this act.
21

9000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 9

22

23

24

25 ===== T I T L E A M E N D M E N T =====

26 Remove line(s) 49 and insert:

27 rulemaking authority; authorizing additional positions and

28 providing an appropriation; providing an effective date.

9000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 10

Bill No. **HB 247 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Commerce Council

2 Representative(s) Bogdanoff offered the following:

3
4 **Amendment**

5 Remove line(s) 66-70 and insert:

6 2. Qualify for licensure under ss. 561.15 and 561.17 or
7 provide a true copy of a certification from the alcoholic
8 beverage licensing authority of the federal government, or the
9 state in which the winery is located, with license
10 qualifications and procedures for that winery license that
11 include, at a minimum, the following components:
12
13
14

000000

COUNCIL MEETING REPORT

Commerce Council

4/18/2006 8:00:00AM

Location: 404 HOB

AMENDED

HB 431 CS : Electric Transmission and Distribution

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis	X				
Ellyn Setnor Bogdanoff	X				
Terry Fields	X				
Kenneth Gottlieb		X			
Edward Jennings	X				
Charlie Justice		X			
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan		X			
Anthony Traviesa	X				
Trudi Williams	X				
Frank Farkas (Chair)	X				
Total Yeas: 11		Total Nays: 3			

Appearances:

Local Govt. Land Development Regulation

Rebecca O'hara, Deputy General Counsel (Lobbyist) - Information Only

Fl. League of Cities

P. O. Box 1757

Tallahassee FL 32302

Frank Matthews (Lobbyist) - Proponent

Fl. Electric Power Coordination

P. O. Box 6526

Tallahassee FL 32317

Committee meeting was reported out: Tuesday, April 18, 2006 11:29:18AM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

1

Amendment No. (for drafter's use only)

Bill No. 431 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Commerce Council

Representative(s) Littlefield offered the following:

Amendment (with directory and title amendments)

Remove line(s) 160- 162 and insert:

regulations for new distribution electric substations and the
local government's review of an application for the placement or
construction of a new distribution electric substation shall
only address

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

2

Amendment No. (for drafter's use only)

Bill No. 431 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
~~FAILED TO ADOPT~~ _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Commerce Council

Representative(s) Littlefield offered the following:

Amendment (with directory and title amendments)

Remove line(s) 171 and insert:

effective date of this act shall not apply to new distribution
electric utility

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 431 CS

3

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	___	

1 Council/Committee hearing bill: Commerce

2 Representative(s) Littlefield offered the following:

3
4 **Amendment (with directory and title amendments)**

5 On Page 7, remove line 175, and insert:

6 siting of new distribution electric substations within any of
7 the local

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

4

Amendment No. (for drafter's use only)

Bill No. 431 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Commerce Council

2 Representative(s) Littlefield offered the following:

3
4 **Amendment (with directory and title amendments)**

5 Remove line 178

6
7 for a permit to locate an electric substation within the land

8
9 and insert:

10 for a permit to locate a new distribution electric substation
11 within the land

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 431 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Commerce Council

2 Representative(s) Littlefield offered the following:

3
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 183,

6
7 properly completed application for an electric substation within

8
9 and insert:

10
11 properly completed application for a new distribution electric
12 substation within

000000

COUNCIL MEETING REPORT

Commerce Council

4/18/2006 8:00:00AM

Location: 404 HOB

AMENDED

HB 561 CS : Offenses Involving Insurance

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis	X				
Ellyn Setnor Bogdanoff	X				
Terry Fields				X	
Kenneth Gottlieb	X				
Edward Jennings				X	
Charlie Justice	X				
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross			X		
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams	X				
Frank Farkas (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 18, 2006 11:29:18AM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 561 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Commerce Council

Representative(s) Rivera offered the following:

Amendment (with directory and title amendments)

Delete lines 150 and 151, and insert:

Section 4. Paragraph (h) is added to subsection (1) and subsection (13) is added to section 400.9935, Florida Statutes, to read:

400.9935 Clinic responsibilities.--

(1) Each clinic shall appoint a medical director or clinic director who shall agree in writing to accept legal responsibility for the following activities on behalf of the clinic. The medical director or the clinic director shall:

(h) Not refer a patient to the clinic if the clinic performs magnetic resonance imaging, static radiographs, computed tomography, or positron emission tomography. "Refer a patient" means the referral of one or more patients of the medical or clinic director or a member of the medical or clinic director's group practice to the clinic for magnetic resonance imaging, static radiographs, computed tomography, or positron emission tomography. A medical director who is found to violate

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

this part commits a felony of the third degree, punishable as
provided in s. 775.082, s. 775.083, or s. 775.084.

===== T I T L E A M E N D M E N T =====

Remove line(s) 16 and insert:
amending s. 400.9935, F.S.; allow inspection access; prohibiting
medical directors from referring specified patients for
specified medical examinations and tests; providing that such
referrals are a felony of the third degree; requiring health
care clinics

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

2

Amendment No. (for drafter's use only)

Bill No. 561 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Commerce Council

Representative(s) Rivera offered the following:

Amendment (with directory and title amendments)

Remove line(s) 284 - 305 and insert:

Section 10. Subsection (7) of section 626.9891, Florida Statutes, is amended, subsection (8) is renumbered as subsection (9) and a new subsection (8) is added to said section to read:

626.9891 Insurer anti-fraud investigative units; reporting requirements; penalties for noncompliance.—

(7) If an insurer fails to timely submit a final acceptable anti-fraud plan or anti-fraud investigative unit description ~~otherwise fails to submit a plan~~, fails to implement the provisions of a plan or an anti-fraud investigative unit description, or otherwise refuses to comply with the provisions of this section, the department, office, or commission may:

(a) Impose an administrative fine of not more than \$2,000 per day for such failure by an insurer to submit an acceptable anti-fraud plan or anti-fraud investigative unit description, until the department, office, or commission deems the insurer to be in compliance;

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

(b) Impose an administrative fine for failure by an upon
the insurer to implement or follow the provisions of an anti-
fraud plan or anti-fraud investigative unit description a fraud
detection and prevention plan that is deemed to be appropriate
by the department and that must be implemented by the insurer;
or

(c) Impose the provisions of both paragraphs (a) and (b).

(8) (a) No information furnished by an insurance company or
entity required to furnish information pursuant to s. 626.9891,
is discoverable or admissible in any civil proceeding, other
than administrative proceedings as provided by law, against the
reporting insurance company or entity.

(b) Further, any findings, statements, discussions,
reports, or documentation generated by the department or the
office relating to these reporting requirements are not
discoverable or admissible in any civil proceeding, other than
administrative proceedings as provided by law, against the
insurance company or entity so required to furnish this
information.

(9) ~~(8)~~ The department may adopt rules to administer this
section.

===== T I T L E A M E N D M E N T =====

Remove line(s) 20 and insert:

allow inspection access; prohibiting medical directors from
referring specified patients for medical examinations and tests;
providing criminal penalties; amending s. 440.105, F.S.;

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

3

Amendment No. (for drafter's use only)

Bill No. 561 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Commerce Council
2 Representative(s) Rivera offered the following:
3

4 **Amendment (with directory and title amendments)**

5 Between line(s) 237 and 238 insert:

6 Section 8. Section 624.4094, Florida Statutes, is amended
7 to read:

8 624.4094 Bail bond premiums.--

9 (1) The Legislature finds that a significant portion of
10 bail bond premiums is retained by the licensed bail bond agents
11 or licensed managing general agents. For purposes of reporting
12 in financial statements required to be filed with the office
13 pursuant to s. 624.424, direct written premiums for bail bonds
14 by a domestic, foreign and alien insurer in this state shall be
15 reported net of any amounts retained by licensed bail bond
16 agents or licensed managing general agents. However, in no case
17 shall the direct written premiums for bail bonds be less than
18 6.5 percent of the total consideration received by the agent for
19 all bail bonds written by the agent. This subsection also
20 applies to any determination of compliance with s. 624.4095.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

(2) Premiums assumed by a domestic, foreign and alien insurer shall be reported consistent with subsections (1) and (4) for purposes of filing financial statements with the office.

(3) Each domestic, foreign and alien bail bond insurer shall keep complete and accurate records of the total consideration paid for all bail bonds written by such insurer.

(4) Each domestic, foreign and alien bail bond insurer shall disclose the following information in the notes to the financial statement in the insurer's annual statement filed with the office.

(a) The gross bail bond premiums written in each state by agents for the company.

(b) The amount of premium taxes incurred by the company in each state.

(c) Total consideration withheld by agents and not reported as an expense by the insurer in financial statements filed with the office.

(d) The amount of bail bond premium included on the surety line of the annual statement filed with the office.

(5) This section does not affect the reporting or payment of insurance premium taxes under ss. 624.509, 624.5091, and 624.5092, and the insurance premium tax and related excise taxes shall continue to be calculated using gross bail bond premiums.

===== T I T L E A M E N D M E N T =====

Remove line 35 and insert:
license; amending s. 624.4094, F.S.; expanding the reporting requirements of domestic bail bond insurers to include foreign

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

50 and alien insurers; amending s. 626.938, F.S.; revising
51 provisions

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 561

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Commerce Council

Representative(s) Rivera offered the following:

Amendment (with directory and title amendments)

Between line(s) 329 and 330, insert:

Section 12. Section 627.06501, Florida Statutes, is amended to read:

627.06501 Insurance discounts for certain persons completing driver improvement course.--

(1) Any rate, rating schedule, or rating manual for the liability, personal injury protection, and collision coverages of a motor vehicle insurance policy filed with the office may provide for a minimum 10 percent reduction in premium charges ~~an appropriate reduction in premium charges~~ as to such coverages when the principal operator on the covered vehicle has successfully completed a driver improvement course approved and certified by the Department of Highway Safety and Motor Vehicles which is effective in reducing crash or violation rates, or both, as determined pursuant to s. 318.1451(5). ~~Any discount,~~

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

~~not to exceed 10 percent, used by an insurer is presumed to be appropriate unless credible data demonstrates otherwise.~~

(2) The premium reduction authorized by this section shall be effective for an insured for a 3-year period after successful completion of the approved course, except that the insurer may require, as a condition of maintaining the reduction, that the insured:

(a) Not be involved in an accident for which the insured is at fault; and

(b) Not be convicted of or plead guilty or nolo contendere to a moving traffic violation.

(3) The organization offering the course shall, upon a person's successful completion of the course, issue the person a certificate that the person may use to qualify for the premium discount authorized by this section. The Department of Highway Safety and Motor Vehicles shall require each person completing the course for purposes of this section to pass a written test given by the organization evaluating the person's knowledge of the content of the course.

(4) This section does not apply if the driver improvement course is taken in lieu of a court appearance for a traffic infraction as provided for in s. 318.14(9). However, the five-election restriction enumerated in that section is not applicable to taking the course for the purposes of receiving insurance premium reductions.

Note.--Repealed by s. 14, ch. 99-5.

===== T I T L E A M E N D M E N T =====

Remove line(s) 50 and insert:

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

50 may be reported in pursuit of a reward; amending s. 627.06501,
51 F.S.; authorizing the Department of Highway Safety and Motor
52 Vehicles to require a test in order for a policyholder to
53 qualify for an auto insurance discount for a driver improvement
54 course; amending s.
55

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (5)

Bill No. HB 561 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Commerce Council
2 Representative(s) Farkas offered the following:

3
4 **Amendment (with title amendment)**

5 Remove line(s) 330-333 and insert:

6 Section 12. Paragraph (f) of subsection (11) of section
7 627.736, Florida Statutes, is amended, and subsection (14) is
8 added to that section, to read:

9 627.736 Required personal injury protection benefits;
10 exclusions; priority; claims.--

11 (11) DEMAND LETTER.--

12 (f) Any insurer making a general business practice of not
13 paying valid claims until receipt of the notice required by this
14 subsection is engaging in an unfair trade practice under the
15 insurance code and shall be liable for damages in the amount of
16 three times the amount of benefits due or recovered resulting
17 from failing to pay the claims until receiving the demand letter
18 notices under this subsection. Any attorney who successfully
19 prosecutes an action based upon an insurer's general business
20 practice of not paying valid claims until receipt of the notice
21 required by this subsection may be awarded a lodestar multiplier

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (5)

22 at the time that the court awards attorney's fees. The Attorney
23 General shall investigate and initiate actions for any violation
24 of this paragraph. In carrying out the duties and
25 responsibilities under this paragraph, the Attorney General may:

26 1. Administer oaths and affirmations.

27 2. Subpoena witnesses or materials.

28 3. Collect evidence for possible use in civil or criminal
29 judicial proceedings.

30 4. Request and receive the assistance of any state
31 attorney or law enforcement agency in the investigation and
32 prosecution of any violation of this paragraph.

33 5. Seek any civil remedy provided by law.

34
35
36 ===== T I T L E A M E N D M E N T =====

37 Remove line(s) 47 and insert:

38 revenues; amending s. 627.736, F.S.; providing for specified
39 damages and attorney's fees in cases involving certain unfair
40 trade practices by insurers; requiring investigations by the
41 Attorney General; requiring insurers to

000000

COUNCIL MEETING REPORT

Commerce Council

4/18/2006 8:00:00AM

Location: 404 HOB

AMENDED

HB 1009 : Real Estate Profession Regulation

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis	X				
Ellyn Setnor Bogdanoff	X				
Terry Fields	X				
Kenneth Gottlieb	X				
Edward Jennings				X	
Charlie Justice	X				
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams	X				
Frank Farkas (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 18, 2006 11:29:18AM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 1009

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill:

Representative(s) Attkisson offered the following:

Amendment

Remove line(s) 323-339 and insert:

(u) Has failed, if a broker, to manage or supervise a broker associate or sales associate employed by such broker or who is registered with the department as employed by such broker.

(v) Has failed, if a broker, to review the brokerage's trust accounting procedures in order to ensure compliance with this chapter.

(5) An administrative complaint against a broker, ~~or~~ broker associate, or sales associate shall ~~must~~ be filed within 5 years after the time of the act giving rise to the complaint or within 5 years after the time the act is discovered or should have been discovered with the exercise of due diligence.

(6) The department or commission shall promptly notify a licensee's broker or employer, as defined in this part, in writing, when a formal complaint is filed against the licensee

000000



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 alleging violations of this chapter or chapter 455. The
23 department shall not issue a notification to the broker or
24 employer until 10 days after a finding of probable cause has
25 been found to exist by the probable cause panel, or by the
26 department, or until the licensee waives his or her privilege of
27 confidentiality under section 455.225, whichever occurs first.

000000

COUNCIL MEETING REPORT

Commerce Council

4/18/2006 8:00:00AM

Location: 404 HOB

AMENDED

HB 1079 CS : Exemption from the Tax on Sales, Use, and Other Transactions

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis	X				
Ellyn Setnor Bogdanoff	X				
Terry Fields	X				
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice	X				
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams	X				
Frank Farkas (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

Tax on Sales Use & Other Transactions

Carol Duncanson (Lobbyist) - Opponent

Printing Asso. of Florida

605 SE 4th Ave.

Ft. Lauderdale FL 33315

Cass Vickers (Lobbyist) - Proponent

Tax Attorney, Val Pak Direct Marketing Systems

1705 Metropolitan

Tallahassee FL 32304

Committee meeting was reported out: Tuesday, April 18, 2006 11:29:18AM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

Bill No. HB 1079 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

(Handwritten initials and a circle)

Council/Committee hearing bill: Commerce Council
Representative(s) Altman offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (33) is added to section 212.02,
Florida Statutes, to read:

212.02 Definitions.--The following terms and phrases when
used in this chapter have the meanings ascribed to them in this
section, except where the context clearly indicates a different
meaning:

(33) "Qualified aircraft" means any aircraft having a
maximum certified takeoff weight of less than 10,000 pounds
equipped with twin turbofan engines that meet Stage IV noise
requirements that are used by a business operating as an "on-demand
air carrier" under Federal Aviation Administration Regulation Title
14, chapter I, part 135, Code of Federal Regulations, that owns and
operates a fleet of at least 25 of such aircraft in Florida. To be
eligible to receive an exemption under this subsection, a purchaser
or lessee must enter into a flight training and research
partnership with a Florida based technological university that
offers a doctoral program in aeronautical engineering and that

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

23 offers flight training through a school of aeronautics. No
24 exemption provided in this chapter for the lease, purchase, repair
25 or maintenance of a qualified aircraft shall be allowed unless the
26 purchaser or lessee furnishes the dealer with a certificate stating
27 that the lease, purchase, repair or maintenance to be exempted is
28 for the exclusive use designated therein. If a purchaser or
29 lessee makes tax-exempt purchases or leases on a continual
30 basis, the purchaser or lessee may tender the certificate once
31 and allow the dealer to keep a certificate on file. The
32 purchaser or lessee is required to inform the dealer which has a
33 certificate on file when the purchaser or lessee no longer
34 qualifies for the exemption. The department shall determine the
35 format of the certificate.

36 Section 2. Paragraphs (ee), (rr), and (ss) of
37 subsection (7) of section 212.08, Florida Statutes, are
38 amended, and paragraph (ccc) is added to that subsection,
39 to read:

40 212.08 Sales, rental, use, consumption, distribution,
41 and storage tax; specified exemptions.--The sale at retail,
42 the rental, the use, the consumption, the distribution, and
43 the storage to be used or consumed in this state of the
44 following are hereby specifically exempt from the tax imposed
45 by this chapter.

46 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to
47 any entity by this chapter do not inure to any transaction
48 that is otherwise taxable under this chapter when payment is
49 made by a representative or employee of the entity by any
50 means, including, but not limited to, cash, check, or credit
51 card, even when that representative or employee is
52 subsequently reimbursed by the entity. In addition, exemptions
53 provided to any entity by this subsection do not inure to any

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

54 transaction that is otherwise taxable under this chapter
55 unless the entity has obtained a sales tax exemption
56 certificate from the department or the entity obtains or
57 provides other documentation as required by the department.
58 Eligible purchases or leases made with such a certificate must
59 be in strict compliance with this subsection and departmental
60 rules, and any person who makes an exempt purchase with a
61 certificate that is not in strict compliance with this
62 subsection and the rules is liable for and shall pay the tax.
63 The department may adopt rules to administer this
64 subsection.

65 (ee) Aircraft repair and maintenance labor
66 charges.--There shall be exempt from the tax imposed by this
67 chapter all labor charges for the repair and maintenance of
68 qualified aircraft, aircraft of more than 15,000 pounds maximum
69 certified takeoff weight, and rotary wing aircraft of more than
70 10,000 pounds maximum certified takeoff weight. Except as
71 otherwise provided in this chapter, charges for parts and
72 equipment furnished in connection with such labor charges are
73 taxable.

74 (rr) Equipment used in aircraft repair and
75 maintenance.--There shall be exempt from the tax imposed by this
76 chapter replacement engines, parts, and equipment used in the
77 repair or maintenance of qualified aircraft, aircraft of more
78 than 15,000 pounds maximum certified takeoff weight, and rotary
79 wing aircraft of more than 10,300 pounds maximum certified
80 takeoff weight, when such parts or equipment are installed on
81 such aircraft that is being repaired or maintained in this state.

82 (ss) Aircraft sales or leases.--The sale or lease of a
83 qualified aircraft or an aircraft of more than 15,000 pounds
84 maximum certified takeoff weight for use by a common carrier is
85 exempt from the tax imposed by this chapter. As used in this
86 paragraph, "common carrier" means an airline operating under
000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

87 Federal Aviation Administration regulations contained in Title
88 14, chapter I, part 121 or part 129 of the Code of Federal
89 Regulations.

90 (ccc) Advertising materials distributed free of charge by
91 mail in an envelope.--Likewise exempt are materials consisting
92 exclusively of advertisements, such as individual coupons or
93 other individual cards, sheets, or pages of printed advertising,
94 which are distributed free of charge by mail in an envelope for
95 10 or more persons on a monthly, bimonthly, or other regular
96 basis.
97
98

99 ===== T I T L E A M E N D M E N T =====

100 Remove line(s) 8-11 and insert:

101 use, and other transactions; amending s. 212.02, F.S.;
102 defining the term "qualified aircraft"; providing
103 eligibility requirements; amending s. 212.08, F.S.;
104 exempting labor charges for repair and maintenance of
105 qualified aircraft and equipment used in such repair and
106 maintenance; exempting sales and leases of qualified
107 aircraft; exempting certain advertising materials
108 distributed free of charge by mail in an envelope;
109 providing an effective date.

000000

COUNCIL MEETING REPORT

Commerce Council

4/18/2006 8:00:00AM

Location: 404 HOB

AMENDED

HB 1143 CS : Economic Development Incentives

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Attkisson	X				
Gus Bilirakis	X				
Ellyn Setnor Bogdanoff	X				
Terry Fields	X				
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice	X				
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross			X		
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams	X				
Frank Farkas (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 18, 2006 11:29:18AM

Committee on: Commerce Council

BILL NO 1143 CS
Subject
Date Received
Date Reported

Amendments

[illegible][illegible]

H-83

COUNCIL MEETING REPORT

Commerce Council

4/18/2006 8:00:00AM

Location: 404 HOB

AMENDED

HB 1329 CS : Filing Insurer Information Electronically

<input checked="" type="checkbox"/>	Favorable With Committee Substitute				
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis	X				
Ellyn Setnor Bogdanoff	X				
Terry Fields	X				
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice	X				
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams	X				
Frank Farkas (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 18, 2006 11:29:18AM

H-83

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 1329 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
<u>ADOPTED W/O OBJECTION</u>	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Commerce Council

2 Representative(s) Grant offered the following:

4 **Amendment (with title amendment)**

5 Remove line(s) 27-46 and insert:

6 a license fee in the amount of \$500. After December 1, 2007,
7 the annual statement shall include audited financial statements
8 prepared in accordance with generally accepted accounting
9 principles by an independent certified public accountant as of
10 the last day of the preceding calendar year. If the audited
11 financial statement has not been completed, however, the
12 licensee shall include in its annual statement an unaudited
13 financial statement for the preceding calendar year and an
14 affidavit from an officer of the licensee stating that the audit
15 has not been completed. In this event, the licensee shall submit
16 the audited statement on or before June 1. The annual statement
17 due on or before June 1 each year, shall also provide the office
18 with a report of all life expectancy providers who have provided
19 life expectancies directly or indirectly to the viatical
20 settlement provider for use in connection with a viatical
21 settlement contract or a viatical settlement investment. A

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

viatical settlement provider shall include in all statements filed with the office all information requested by the office regarding a related provider trust established by the viatical settlement provider. The office may require more frequent reporting. Failure to timely file the annual statement or the audited financial statement or to timely pay the license fee is grounds for

===== T I T L E A M E N D M E N T =====

Remove line(s) 6-13 and insert:

An act relating to information specified insurers must file; amending s. 626.9913, F.S., relating to viatical settlement providers; specifying a beginning date for submission of the annual statement; specifying the information to be provided in the annual statement; specifying time periods; specifying administrative action for failing to file the annual statement; authorizing the Financial Services Commission to require by rule that certain statements or filings from viatical settlement providers be submitted by electronic means in a certain format; amending ss. 626.99175, 627.836, 651.026, and 651.0261, F.S., relating to life expectancy providers, premium finance companies, and continuing care providers; authorizing the Financial Services Commission to require by rule that certain statements or filings be submitted by electronic means in a certain format; amending s. 628.281,

000000

COUNCIL MEETING REPORT

Commerce Council

4/18/2006 8:00:00AM

Location: 404 HOB

AMENDED

HB 1467 CS : Capital Formation

☒ X

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis	X				
Ellyn Setnor Bogdanoff	X				
Terry Fields	X				
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice			X		
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams	X				
Frank Farkas (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 18, 2006 11:29:18AM

COUNCIL MEETING REPORT

Commerce Council

4/18/2006 8:00:00AM

Location: 404 HOB

AMENDED

HB 1469 CS : Public Records

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis	X				
Ellyn Setnor Bogdanoff	X				
Terry Fields	X				
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice	X				
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams	X				
Frank Farkas (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 18, 2006 11:29:18AM

COUNCIL MEETING REPORT

Commerce Council

4/18/2006 8:00:00AM

Location: 404 HOB

AMENDED

HB 7153 : Financial Entities and Transactions

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis	X				
Ellyn Setnor Bogdanoff	X				
Terry Fields	X				
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice	X				
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams	X				
Frank Farkas (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 18, 2006 11:29:18AM

H-83

1

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

Bill No. HB 7153

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____



1 Council/Committee hearing bill: Commerce Council
2 Representative(s) Detert offered the following:
3

4 **Amendment (with title amendment)**

5 Between lines 3626-3627 insert:

6 Section 70. Effective upon becoming law, subsection (3) of
7 section 679.705, Florida Statutes, is amended to read:

8 679.705 Effectiveness of action taken before effective
9 date.--

10 (3) This act does not render ineffective an effective
11 financing statement that, before this act takes effect, is filed
12 and satisfies the applicable requirements for perfection under
13 the law of the jurisdiction governing perfection as provided in
14 s. 679.103, Florida Statutes 2000. However, except as otherwise
15 provided in subsections (4) and (5) and s. 679.706, the
16 financing statement ceases to be effective at the earlier of:

17 (a) The time the financing statement would have ceased to
18 be effective under the law of the jurisdiction in which it is
19 filed; or

20 (b) December 31 ~~June 30~~, 2006.
21

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

22 ===== T I T L E A M E N D M E N T =====

23 Remove line(s) 235 and insert:

24 providing a penalty; amending s. 679.705, F.S.; extending the
25 time that a financing statement is effective under certain
26 circumstances; amending 733.6065, F.S.; revising

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

2

Amendment No. (2)

Bill No. HB 7153

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

ok
4/19/06
JD

Council/Committee hearing bill: Commerce Council
Representative(s) Detert offered the following:

Amendment (with title amendment)

Remove line(s) 3657 and insert:

Section 72. Except as otherwise provided herein, this act
shall take effect October 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove line(s) 238 and insert:
effective dates.

000000

COUNCIL MEETING REPORT

Commerce Council

4/18/2006 8:00:00AM

Location: 404 HOB

AMENDED

HB 7157 : Fraudulent Use or Possession of Identifying Information

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Attkisson	X				
Gus Bilirakis	X				
Ellyn Setnor Bogdanoff	X				
Terry Fields	X				
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice	X				
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams	X				
Frank Farkas (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 18, 2006 11:29:18AM

H-83

COUNCIL MEETING REPORT

Commerce Council

4/18/2006 8:00:00AM

Location: 404 HOB

AMENDED

HB 7237 : Public Service Commission

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis	X				
Ellyn Setnor Bogdanoff	X				
Terry Fields	X				
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice	X				
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams	X				
Frank Farkas (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 18, 2006 11:29:18AM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 7237

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	— (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Commerce Council

2 Representative(s) Littlefield offered the following:

3
4 **Amendment (with title amendment)**

5 Between line(s) 110 and 111, insert:

6 Section 3. Section 350.012, Florida Statutes, is amended
7 to read:

8 350.012 Committee on Public Service Commission Oversight;
9 creation; membership; powers and duties.--

10 (1) There is created a standing joint committee of the
11 Legislature, designated the Committee on Public Service
12 Commission Oversight, and composed of 12 members appointed as
13 follows: six members of the Senate appointed by the President of
14 the Senate, two of whom must be members of the minority party;
15 and six members of the House of Representatives appointed by the
16 Speaker of the House of Representatives, two of whom must be
17 members of the minority party. The terms of members shall be for
18 2 years and shall run from the organization of one Legislature
19 to the organization of the next Legislature. The President shall
20 appoint the chair of the committee in even-numbered years and
21 the vice chair in odd-numbered years, and the Speaker of the

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

House of Representatives shall appoint the chair of the committee in odd-numbered years and the vice chair in even-numbered years, from among the committee membership. Vacancies shall be filled in the same manner as the original appointment. Members shall serve without additional compensation, but shall be reimbursed for expenses.

~~(2) The committee shall be governed by joint rules of the Senate and the House of Representatives which shall remain in effect until repealed or amended by concurrent resolution.~~

(2)~~(3)~~ The committee shall:

(a) Recommend to the Governor nominees to fill a vacancy on the Public Service Commission, as provided by general law; and

(b) Appoint a Public Counsel as provided by general law.

(3)~~(4)~~ The committee is authorized to file a complaint with the Commission on Ethics alleging a violation of this chapter by a commissioner, former commissioner, former commission employee, or member of the Public Service Commission Nominating Council.

(4)~~(5)~~ The committee will not have a permanent staff, but the President of the Senate and the Speaker of the House of Representatives shall select staff members from among existing legislative staff, when and as needed.

===== T I T L E A M E N D M E N T =====

Between line(s) 8 and 9, insert:

amending s. 350.012, F.S.; removing a provision for governance of the Committee on Public Service Commission Oversight;

000000